REMARKS

Claims 1-16 and 18-20 are currently pending, with claims 1, 13, 19 and 20 being in independent form. The Specification has been amended. Claims 1 and 13 have been amended. Claims 18-20 have been added. Claim 18 corresponds to claim 17 which has been canceled to resolve a procedural inconsistency. Support for the amendment to claims 1 and 13 may be found, for example, at pg. 4, lines 23-35 of the originally filed specification. Support for the amendment to the specification and for new independent claims 18 and 19 may be found, for example, at pg. 4, lines 13-22 and pg. 4, lines 23-35 of the specification as originally filed. No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

In the July 13, 2006 Office Action, independent claims 1 and 13, and dependent claims 2, 8, 11, 12, 14 and 15 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,490,252 ("*Riggan*"), while dependent claims 3-7, 9, 10, 16 and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over *Riggan* in view of U.S. Patent No. 6,167,040 ("*Haeggstrom*"). For the following reasons, Applicant respectfully asserts that all claims of the present application are patentable over the cited references.

Independent claims 1 and 13 have been amended to recite "for a mobile station, a different protocol address is used for at least part of at least speech data of a data stream than for a remainder of the data stream". Support for this amendment may be found, for example, at pg. 4, lines 23-35 of the originally filed specification. No new matter has been added.

Riggan relates to a system and method in which excess cells, or cells whose transfer is expected to cause the user to exceed the QoS traffic contract bandwidth limit (or any predetermined QoS or bandwidth threshold), are transferred to a destination node via an alternate or secondary network (see col. 1, lines 52-57). *Riggan* (col. 1, lines 58-61) states, "user traffic received at a first ATM node ... is or has been classified according to traffic type, e.g., voice, data, or video (with their corresponding characteristics)". *Riggan* (col. 1, lines 61-66) further states, "prior to packetizing the data streams into the ATM fixed length packets, the ATM node determines whether the QoS traffic contract bandwidth limit has been exceeded or is likely to be exceeded. If so, then the corresponding traffic is transmitted to the destination node via an appropriate alternate network".

Riggan (col. 4, lines 35-48; Fig. 2) teaches the operation method of the network system of FIG. 2. *Riggan* (col. 4, lines 48-51) states, "node **300***a* identifies the type of traffic received and receives a signal from the network management system indicating whether or not the QoS threshold has been reached". *Riggan* (col. 4, lines 51-55) teaches the steps that are performed if the traffic level is below the QoS threshold. *Riggan* (col. 4, lines 56-59) teaches the steps that are performed if a signal from the network management system indicates that the QoS threshold is exceeded. *Riggan* (col. 4, lines 60-63) teaches that a secondary network is chosen based on the type of data to be transmitted, based on the level of the traffic that is transmitted, i.e., voice, data and video streams may be classified according to adaptation layer type. *Riggan* (col. 4, lines 63-67) specifically states, "incoming traffic is classified as AAL Type 1, AAL Type 2, AAL Type 3/4 or AAL Type 5 traffic. The traffic is then directed to a secondary network which is capable of handling traffic of the corresponding type".

Riggan (col. 5, lines 1-6) states that "voice or video traffic transmitted via the AAL Type 1 adaptation layer may be routed to a PBX and hence the public switch telephone network (PSTN). Alternatively, the traffic may be routed to an ISDN router and then to an ISDN public network, or to a wireless interface and a wireless network. With regard to AAL Type 2 data streams comprising, for example, video and/or audio information, the information may be routed via an ISDN router and an ISDN public network, or a wireless network". However, *Riggan* fails to teach Applicant's claimed invention.

In all of col. 4, line 35 thru col. 5, line 6 of *Riggan*, there is nothing with respect to using a different protocol specifically for a mobile station or for any other network element. *Riggan* thus fails to teach a solution in which, "for a mobile station [or for any other network element], a different protocol address is used for at least part of at least speech data of a data stream than for the remainder of the data stream," as recited in amended independent claim 1. As described at pg. 4, lines 23-35 of the originally filed specification such a claimed solution advantageously permits the connection from the mobile station to a gateway to be realized at least partly as a circuit-switched connection, whereby the quality of the transmitted speech data can be maintained. *Riggan* fails to teach anything to do with the claimed limitation that encompasses such an advantageous feature. In view of the foregoing, amended independent claim 1 is patentable over *Riggan*, and withdrawal of the rejection under 35 U.S.C. §102 is in order, and a notice to that effect is earnestly solicited.

The Examiner relies upon *Haeggstrom* to address the failure of *Riggan* to teach features recited in dependent claims 3-7, 9, 10, 16 and 17. *Haeggstrom* relates to speech transmission between terminals in different networks, i.e., packet-switched and circuit-switched networks. *Haeggstrom* (col. 3, lines 43-45) teaches a system that permits speech calls to be made to a data network, i.e., calls between a telephone connected to the Internet and a mobile phone. *Haeggstrom* fails to cure the deficiency of *Riggan*, because *Haeggstrom* also fails to teach or suggest a solution in which, "for a mobile station, a different protocol address is used for at least part of at least speech data of a data stream than for the remainder of the data stream," as recited in amended independent claim 1. Consequently, dependent claims 3-7, 9, 10 and 16 are patentable over the combination of *Riggan* and *Haeggstrom* based on their various dependencies on independent claims 1 and 13. Consequently, withdrawal of the rejection under 35 U.S.C. §103 is in order, and a notice to that effect is earnestly solicited.

Independent claim 13 is the system claim associated with the method of independent claim 1. Accordingly, independent claim 13 is patentable over the combination of the cited references for the reasons discussed above with respect to independent method claim 1.

New independent claims 19 and 20 are, respectively, a gateway and mobile station associated with independent claims 1 and 13. Accordingly, independent claims 19 and 20 are also patentable over the combination of the cited references for the reasons discussed above with respect to independent method claims 1 and 13.

In view of the patentability of independent claims 1, 13, 19 and 20, for the reasons set forth above, dependent claims 2-12 and 14-16 and 18 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Respectfully submitted,
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